REMARKS

I. Introduction

In response to the Office Action dated February 9, 2004, claims 6 and 17 have been amended. Claims 1-18 remain in the application. Re-examination and re-consideration of the application, as amended, is requested.

II. Claim Amendments

Applicants' attorney has made amendments to the claims as indicated above. These amendments were made solely for the purpose of clarifying the language of the claims, and were not required for purposes of patentability.

III. Office Action Objections

In paragraph 7, the Office Action objects to claims 6 and 17 because the recitation of "wherein each of the programs in the first set of programs is associated with a viewer channel" lacks proper antecedent basis. The Office Action suggests that the claims be amended to read "wherein each of the programs in a [[the]] first set of programs is associated with a viewer channel." The Applicants thank the Examiner for noting this error. The Applicants have amended claims 6 and 17 to remove the term "first." The Applicants believe that as amended, antecedent basis is now provided for claims 6 and 17.

In paragraph 7, the Office Action objects to claim 6 and 17, because the phrase "the a first program guide" should be amended to read "the first program guide." The Applicants thank the Examiner for noting this error, which has been corrected with the foregoing amendments.
In paragraph 7, the Office Action objects to claims 6 and 17, because the phrase "the step of presenting the first program guide a ..." should be amended to read "the step of generating a first program guide from the first program guide information and presenting the first program guide ...". The Applicants have amended claims 6 and 17 as indicated.

In paragraph 4, the Office Action objects to the drawings as failing to comply with 37 CFR 1.84(p)(5). The Applicants have amended FIG. 7 to remove the numerical label "718" and the

specification as required to include the numerical labels presented in the remaining figures. Replacement drawing changes are attached.

IV. Non-Art Claim Rejections

In paragraph 11, the Office Action rejects claim(s) 7 and 18 as being indefinite for failing to particularly point out and distinctly claim the subject matter that the applicant regards as the invention. According to the Office Action, it is unclear whether the "first service network" is simply one of the plurality of networks or is referencing back to the recitation of "a service network from among the plurality of service networks." The Office Action further indicates that there is sufficient antecedent basis for these claim limitations. Claims 6 and 17 have been amended to recite the "service network." With this amendment, the Applicants submit that claims 7 and 18 are in compliance with 35 U.S.C. § 112.

V. The Cited References and the Subject Invention

A. The Wugofski Reference

U.S. Patent No. 6,003,041, issued December 14, 1999 to Wugofski discloses a method and managing multiple channel maps from multiple input devices in a multimedia system. A computer system has a large number of media input sources selectively coupled to a single presentation device. A device database tracks characteristics and connections of the input sources. Multiple, possibly conflicting, channels are assigned to a set of mutually distinct logical channel designations in a channel-map database. Program events occurring on the channels reside in a guide database.

B. The Eyer Reference

U.S. Patent No. 6,401,242, issued June 4, 2002 to Eyer et al. disclose a method and apparatus for designating a preferred source to avoid duplicative programming services. Interactive Program Guide (IPG) data for television is delivered to integrated receiver-decoders (IRDs) in a decoder population via, for example, a satellite network. The IPG data provides scheduling information for global and local programming services which are carried via the satellite network as well as another network such as a CATV network or a terrestrial broadcast network. Each IRD is assigned to an IPG region using unit addressing. At the IRD, IPG data is filtered so that only the global data and

the region-specific data for the IRD's IPG region is retained and processed by the IRD. Channel map data is also delivered to the IRDs so that bundles of IRD data can be filtered out using firmware filtering to discard program sources that are not present in the channel map. The IRD data which is retained after filtering is used to provide scheduling information via an on-screen display. A preferred source may be designated when there are duplicative channels on the different networks.

C. The Arsenault Reference

U.S. Patent No. 6,658,661, issued December 2, 2003 to Arsenault et al. disclose a carousel bit mask system and method. In a broadcast system such as a direct-to-home satellite system, program guide information for different time periods is transmitted on different carousels (e.g., one for 0-6 hours from current time, one for 6-24 hours, one for 24-72 hours, etc.) and broadcast on all transponders. Guide information for time periods in the near future is transmitted more frequently (i.e., less information per carousel) than guide information for later time periods. The receiving IRD sets a bit mask to indicate which carousel or carousels it requires and downloads them in serial or parallel. Updated information is never missed because it is given a bit pattern that is never screened by the mask. Further, the IRD can download the program guide information in the background (i.e., while displaying video) because it does not need to tune to a different transponder.

D. The Bennington Reference

U.S. Patent No. 6,418,556, issued July 9, 2002 to Bennington et al. disclose an electronic television program guide schedule system and method. An electronic program schedule system which includes a receiver for receiving broadcast, satellite or cablecast television programs for a plurality of television channels and a tuner for tuning a television receiver to a selected one of the plurality of channels. A data processor receives and stores in a memory television program schedule information for a plurality of television programs to appear on the plurality of television channels. A user control apparatus, such as a remote controller, is utilized by a viewer to choose user control commands and transmit signals in response to the data processor which receives the signals in response to user control commands. A television receiver is used to display the television programs and television program schedule information. A video display generator receives video control commands from the data processor and program schedule information from the memory and

displays a portion of the program schedule information in overlaying relationship with a television program appearing on a television channel in at least one mode of operation of the television programming guide. The data processor controls the video display generator with video control commands, issued in response to the user control commands, to display program schedule information for any chosen one of the plurality of television programs in overlaying relationship with at least one television program then appearing on any chosen one of the plurality of channels on the television receiver.

VI. Office Action Prior Art Rejections

In paragraphs (12)-(13), the Office Action rejected claims 1, 8, and 12 under 35 U.S.C. § 102(e) as being anticipated by Wugofski, U.S. Patent No. 6,003,041 (Wugofski). The Applicants respectfully traverse this rejection.

With Respect to Claims 1, 8, and 12: Claim 1 recites:

> *receiving a first program guide information at the receiver station, the first program guide information comprising a default transmitting network identifier value uniquely identifying the service network transmitting the first program guide information;*

According to the Office Action, the Wugofski reference discloses these features as follows:

> A set 410 of records have columns 420 for storing information including a unique event identifier 421, a title 422, a designation 423 of the source providing the event, the physical channel 424 within source 423, and a start time and date for the event; other information may be kept in database 340 as well. In FIG. 4, records 411-413 show a single TV show available from three different sources at two different times. Record 411 indicates that the show is broadcast on a channel that DBS service 123 identifies as `156`. The program starts at 7 pm on September 17. Record 412 specifies a broadcast of this show on VHF TV channel `4` an hour later. Record 413 logs the show at the same time on a local cable service. The cable channel designation, `156` is--strictly coincidentally--the same as that for the DBS broadcast in record 411. (col. 4, line 66 through col. 5, line 14)

and because the "input source connections" are displayed according to configuration and sources as follows:

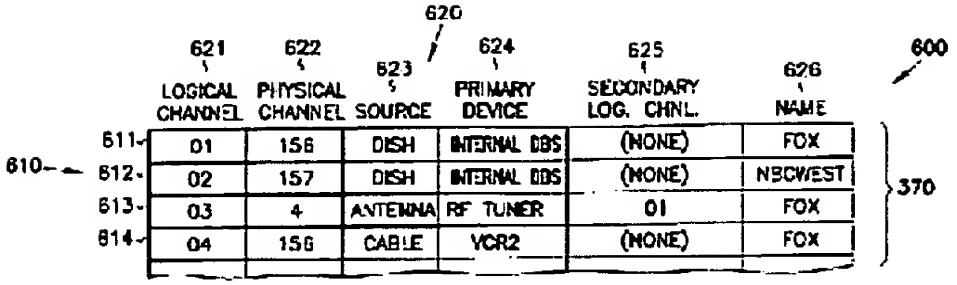

FIG. 6

In the Applicants' first Amendment, this rejection was traversed, because although the foregoing discloses presenting a "source" it does not disclose receiving first program guide information comprising a default transmitting network identifier value uniquely identifying the service network transmitting the first program guide information.

The second Office Action argues that the information "appears to be derived from the source [623] instead of the device identification [624]". The Applicants respectfully disagree. FIG. 6 is a representation of a structure for a database, nothing more (see col. 5, lines 38-39), and the data shown in FIG. 6 appears to come from the processes described in FIG. 7A and the text appurtenant thereto.

In any case, the issue is whether the claimed features are disclosed in Wugofski, whether explicitly or inherently. Unless a specific passage or figure disclosing *"receiving first program guide information comprising a default transmitting network identifier value uniquely identifying the service network transmitting the first program guide information"* can be identified, the rejection is improper, and should be withdrawn. The Applicants can find no express disclosure. The Applicants likewise do not believe the inherency doctrine is applicable. Inherency "may not be established by probabilities or possibilities. The mere fact that a certain thing may result from a given set of circumstances is not sufficient." *Continental Can Co. v. Monsanto Co.*, 948 F.2d 1264, 1269(Fed. Cir. 1991). Instead, to establish inherency, the extrinsic evidence "must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill." *Continental Can Co.*, 948 F.2d at 1268. Nothing in the Wugofski reference even remotely suggests that the features of claim 1 are necessarily present in the Wugofski system.

Claims 8 and 12 also recite the features described above, and are patentable on the same basis.

In paragraph (14), the Office Action rejected claims 1, 4-6, 8, 11, 12, and 15-17 under 35 U.S.C. §102(e) as being anticipated by Eyer et al., U.S. Patent No. 6,401,242 (Eyer). The Applicants respectfully traverse this rejection.

With Respect to Claims 1, 8, and 12: As described above, claim 1 recites the step of:

> *receiving a first program guide information at the receiver station, the first program guide information comprising a default transmitting network identifier value uniquely identifying the service network transmitting the first program guide information;*

According to the Office Action, the Eyer reference discloses the step of receiving a first program guide information comprising a default transmitting network identifier value uniquely identifying the service network as follows:

> Loading the IPG data into system RAM 350 is controlled by a memory manager 348 coupled to the microprocessor 170. The memory manager 348 will address the RAM 350 in a conventional manner to store the IPG data for subsequent retrieval by the microprocessor 170 and display on a monitor 195 or the like coupled to the video display generator 190. Selection of particular time slots or scheduling information is made via a user interface 172. For example, a user may request to see scheduling information for a future time period, or detailed information regarding a particular program. The user interface 172 can comprise an infrared remote control receiver coupled to input instructions to microprocessor 170 in a well known manner. (col. 9, lines 53-65)

The Applicants respectfully disagree that the foregoing discloses *"receiving first program guide information comprising a default transmitting network identifier value uniquely identifying the service network transmitting the first program guide information"* as recited in claim 1. Instead, the foregoing merely discloses the storage of "IPG data."

The other cited passages of the Eyer reference are similarly unavailing, and in fact, teach away from the Applicants' invention. For example, the Eyer reference discloses that the packet stream filter 335 discards region specific IPG data for regions other than the IPG region to which the IRD is assigned, while passing global IPG data and IPG data for the region to which the IRD is assigned:

> The packet stream demultiplexer 334 also outputs packets of the IPG data to an IPG filter 335, which discards region-specific IPG data for regions other than the IPG region to which the IRD 300 is assigned, while passing IPG data for the IPG region to which the IRD is assigned to microprocessor 170. Filtering is implemented in hardware and is based on associated IPG region identifying data which is multicast addressed to the IRD 300. The filter 335 passes all IPG data for the global programming services, as that data is broadcast-addressed, not multicast-addressed. (col. 8, lines 47-56)

The Applicants note that the foregoing passage does not disclose *receiving a first program guide information comprising a default transmitting network identifier.* Instead, it merely discloses that the IRD filters the data it receives.

How does the IRD filter the data it receives? It does so using information that is separately transmitted to each IRD. This information assigns the IRD to a specific CATV network identifier and IPG region identifier:

> CATV maps may be recovered by corresponding IRDs according to the assigned CATV network identifier. The identifier may be addressed to each IRD using a unit identifier which is unique to each IRD. (col. 9, lines 6-9)
>
> Each IRD will be assigned to a specific CATV network and IPG region by unit-addressed CATV network identifiers and IPG region identifiers, respectively. (col. 9, lines 18-20).
>
> The dynamic RAM (DRAM) 340 of FIG. 3 may be used for buffering IPG data to be filtered, for example, by firmware or software, according to a cable system identifier (ID) which can be set, for example, by a message addressed to each specific IRD. (col. 9, lines 25-28).

Ultimately, in the Eyer system, data is not presented as a result of a comparison between the IRD configuration and anything analogous to a transmitting network ID sent with the program guide information. Instead, data is presented based upon a cable system identifier and IPG region identifier individually addressed to each IRD. Further, the Eyer system does not determine a system "configuration" as specified in claim 1. As described with respect to claim 4 below, the "cable system identifier" and "region assignment" do not specify a receiver station configuration.

Because the Eyer reference teaches away from the Applicants' invention, the rejection of claim 1 is respectfully traversed.

Claims 8 and 12 also recite the features described above, and are patentable on the same basis.

With Respect to Claims 4-6, 11, and 15-17: Claims 4-6, 8, and 15-17 recite the features of claims 1, 8, and 15-17, respectively, and are patentable on the same basis. Claims 4-6, 8, and 15-17 also recite features rendering them even more remote from the cited references. For example, Claim 4 recites:

> *The method of Claim 1, wherein the step of determining a receiving station configuration comprises the steps of:*
>
> *receiving a message from the broadcasting system indicating the receiving station configuration.*

According to the Office Action, this feature is disclosed in the Eyer reference as follows:

> The dynamic RAM (DRAM) 340 of FIG. 3 may be used for buffering IPG data to be filtered, for example, in firmware or software, according to a cable system identifier (ID) which can be set, for example, by a message addressed to each specific IRD. (col. 9, lines 23-28)
> Region assignments can be made at the time of the installation of the IRD, or later updated, for example, using a smart card which is mailed to each user. (col. 22, lines 24-26).

The foregoing passages define two items, a cable system identifier, and a region assignment. Although the Office Action indicates that both of these items are analogous to a message indicating a receiving station configuration, plainly, this cannot be the case, as they are different items. In fact, neither of these data items is analogous to a system configuration. The "cable system identifier" plainly is not, and the "region assignment" is not either. Consider, for example, the case where a particular system is moved from one region to another. The region assignment would presumably change, but the configuration would not. The analysis of claims 11 and 15 is analogous.

In paragraphs (16)-(17), the Office Action rejected claims 3, 7, 10, 14, and 18 under 35 U.S.C. §103(a) as being unpatentable over Eyer. The Applicants respectfully traverse these rejections.

With Respect to Claim 3, 7, 10, 14, and 18: Claims 3, 7, 10, 14, and 18 recite the features of claims 1, 8, and 12, respectively, and are patentable on the same basis. Further, claims 3, 7, 10, 14, and 18 recite additional features rendering them even more remote from the Eyer reference. For example, with respect to claim 3, while the Office Action acknowledges that the Eyer reference does not disclose "determining a number of converters and determining the receiver station configuration according to the number of converters," but argues that it would have been obvious to one of ordinary skill in the art to "determine the number of converters in a configuration such that as employed by Eyer for the purpose of determining which program services (ex. channels) are capable of being supported by the IRD. For example, an embodiment with a single converter may only be operable of [sic] receiving /supporting a first set of channels."

As described above with respect to claim 1, Eyer does not disclose determining a "configuration" at all, merely it's location in a region. Further, the Eyer system determines which programs to present by use of the IPG region identifying data multicast addressed to the IRD (see col. 8, lines 52-56), there is no motivation whatsoever for the IRD to determine it's configuration. Accordingly, the rejection of claim 3 is respectfully traversed.

Claims 10 and 14 recite features analogous to those of claim 3 and are patentable on the same basis.

In paragraph (18), the Office Action 2, 9, and 13 were rejected under 35 U.S.C. §103(a) as being unpatentable over Eyer in view of Bennington et al., U.S. Patent No. 6,418,556 (Bennington). Applicants respectfully traverse these rejections.

With Respect to Claims 2, 9, and 13: Claim 2 recites:

> *The method of Claim 1, wherein the step of determining the receiving station configuration comprises the steps of:*
>
> *presenting a plurality of configurations to the subscriber;*
> *accepting a selection of configurations from among the plurality of presented configurations; and*
> *determining the receiving station configuration according to the selected configuration.*

The Office Action acknowledges that the foregoing features are not fairly taught by the Eyer reference, but indicates that they are taught by Eyer in view of Bennington. According to the Office Action, Eyer discloses that discarded IPG data may correspond to programming services that are unavailable to the IRD due to operator preference *"wherein the particular "receiving station configuration" is "determined" on the basis of that configuration"* as follows:

> The discarded IPG data may correspond to programming services which are not available to the IRD, for example due to operator preference or limited channel capacity. (col. 9, lines 29-32)
>
> Trickle_Multicast 16_Address_Base=<Hex Integer>;/* e.g., 0x8800*/
> An IPG region is a collection, for the purpose of IPG delivery, of program sources shared by one or more channel line-ups. The IPG data for the sources in a given region will be pre-linked into one data block bundle and delivered to the cable system(s) in the assigned region only.
> An IPGT configuration parameter is defined below for this purpose. Note that only the regional sources, those tagged with a FALSE National flag in the Source_Channel_Map, will be included in the Regional_Map, and that a single regional source may belong to multiple regions. The following syntax may be used. (col. 16, line 66 - col. 17, line 14)

Apparently arguing that the foregoing teaches determining a receiver station configuration, the Office Action then argues that the motivation for doing so is to provide a means by which a user may subscribe to premium services on an impulse or on-demand basis:

> There is also a need for an electronic guide system providing the user with comprehensive information about pay-per-view events, premium services or other packaged programming to which the user does not ordinarily subscribe, and which avoids the user with the capability to automatically purchase such programming on demand or impulse. (col. 3, lines 53-67)

While the foregoing excerpt of the Eyer reference may disclose that the disclosed IPG data may correspond to programming services that are unavailable to the IRD, and an "IPGT configuration," nothing discloses any notion of a "receiver station configuration" (an IPGT is an "IPG translator", and is not analogous to a "receiving station"). Indeed, as described earlier, the Eyer reference does not rely on a determination of a "receiving station configuration" to determine which data to present to the user ... it uses the IPG region instead (see col. 8, lines 52-56). Further, the motivation cited by the Office Action ("providing a means by which a user may advantageously subscribe to premium services on an impulse or on-demand basis") does not teach different system configurations. Premium services can be (and are) typically provided by request, not by selecting or changing a receiver station configuration. For all of these reasons, the rejection of claim 2 is respectfully traversed.

Claims 9 and 13 recite the features of claim 2 and are patentable on the same basis.

In paragraph (15), the Office Action rejected claims 1, 8, and 12 under 35 U.S.C. §102(e) as being anticipated by Arsenault et al., U.S. Patent 6,658,661 (Arsenault). The Applicants respectfully traverse this rejection.

According to the Office Action, the Arsenault reference discloses an embodiment which "'determines a receiver station configuration': such that receiver [36] determines the particular network group for which it is designated" as follows:

> Each object packet preferably starts with a network number that signifies a broadcast group, such as "DIRECTV.RTM. 101 degree services" or a local terrestrial DMA such as "Los Angeles, Calif.". An IRD is designed or configured to participate in one or more network groups, either by hardware design, software design or user preference. So, an IRD accepts object packets that match one of the configured network groups and rejects others. (col. 8, lines 54-61)

and that "Subsequently, the embodiment is operable to 'receive a first program guide information at the receiver station' comprising a 'default transmitting network identifier value uniquely identifying the service network' or network number that associated with program guide object packet and 'generate'/'present' the 'first program guide' on the basis of a 'comparison' between the 'default transmitting network identifier' and that associated with the receiver configuration such that the guide data presented corresponds to the particular broadcast programming" is disclosed as follows:

The transport 60 receives the transport stream of digitized data packets containing video, audio, data, scheduling information, and other data. The digital packet information contains identifying headers as part of its overhead data. Under control of the micro-controller 58, the channel demultiplexer 62 filters out packets that are not currently of interest, and routes the data packets that are of interest through the decryption circuit 64 and, in the case of some packets, also through the access control circuits 66, 68 to their proper downstream destination. The decryption circuit 64 provides decryption for the data packets that have been encrypted. The access control circuits 66, 68 provide access control by any conventional means. For example, access control may be achieved by requiring a data packet to have a proper authorization code in order to be passed to the decryptor 64 and/or video decoder 78. The access card reader 68 can interface with an access card (not shown) that will receive the packet authorization code, determine its validity, and generate a code that confirms to the transport 60 that the subject data packet is authorized.

The authorized data of interest, which now consists of the payload portions of the received data packets, are forwarded to decoder DRAM 74 for buffering and may optionally be intermediately stored in system RAM 70. The audio/video decoder 72 decodes the payloads stored in DRAM 74, as needed. The requested data is routed from the RAM 70 through the transport 60 to the audio/video decoder 72. At that time, the data is routed to the video decoder 78 (which includes display generating circuitry) and the NTSC (or other) encoder 64. The video decoder 78 reads in the compressed video data from the DRAM 74, parses it, creates quantized frequency domain coefficients, then performs an inverse quantization, inverse discrete cosine transform (DCT) and motion compensation. At this point, an image has been reconstructed in the spatial domain. This image is then stored in a frame buffer in the DRAM 74. At a later time, the image is read out of the frame buffer in DRAM 74 and passed through the display circuitry to the encoder 82. The display circuitry (located in the video decoder 78) generates the graphics that allow text such as the electronic program guide data to be displayed. The encoder 78 converts the digital video signals to analog according to the NTSC standard or to other desired output protocols (e.g., ATSC), thereby allowing video to be received by a conventional television 38 or other video output device (FIG. 1).

Illustrated in FIG. 3 is an example of an electronic program guide. Typically, channels 100 are listed in, e.g., numeric order vertically; and, times 102 are listed in chronological order horizontally. The grid boxes 104 in the body of the program guide are preferably filled with text and/or graphics representing television shows and/or other programming available at the associated time on the associated channel. (col. 6, lines 1-53)

The Applicants respectfully traverse this rejection. As far as the Applicants can ascertain, nothing in the foregoing teaches the step of *"generating a first program guide from the first program guide information and presenting the first program guide, according to a comparison between the determined receiving station configuration and the default transmitting network identifier"*, as recited in claim 1.

Claims 8 and 12 recite analogous features that are likewise do not appear to be disclosed in the Arsenault reference, and are therefore patentable on the same basis.

VII. Dependent Claims

Dependent claims 2-7, 9-11, and 13-18 incorporate the limitations of their related independent claims, and are therefore patentable on this basis. In addition, these claims recite novel

elements even more remote from the cited references. Accordingly, the Applicants respectfully request that these claims be allowed as well.

VIII. Conclusion

In view of the above, it is submitted that this application is now in good order for allowance and such allowance is respectfully solicited. Should the Examiner believe minor matters still remain that can be resolved in a telephone interview, the Examiner is urged to call Applicants' undersigned attorney.

Respectfully submitted,

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